

BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

April 17, 2012

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; Gregory J. Oliver, County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Supervisor Royce led the Pledge of Allegiance.

Oral Comm-
TOT

Marvin Rezac addressed the Board on the transient occupant tax (TOT).

Oral Comm-
Probation

Adele Arnold, Chief Probation Officer, announced the grand opening of the day reporting Center.

Oral Comm-
Columbia Choir

Supervisor Hanvelt addressed the Board on the Columbia Choir event.

Oral Comm-
Child Care

Tiffeny Flies and and Michie Anderson, addressed the Board on child care in the Tuolumne County.

Oral Comm-
Love TC

Mike Ayala addressed the Board on community service opportunities through "Love Tuolumne County".

Oral Comm-
Amgen

Darrell Slocum addressed the upcoming events associated with the Amgen Tour scheduled for May 16, 2012.

Consent Calendar

On motion of Supervisor Gray, seconded by Supervisor Bass, the following items on the Consent Calendar were approved by unanimous vote.

Minutes

1. Minutes of the meeting held on March 20, 2012.

DA-Records
Retention Policy

2. Approving the revised District Attorney Document Retention Policy.

HR-ORR Position
Changes

3. Approving the upgrade the Account Clerk II and downgrade the Collections Officer II positions allocation in the Office of Revenue and Recovery.

Victim Witness-
Unantic. Rev.

4. Recognizing unanticipated revenue from donations to the Kids Interview Team in the amount of \$11,078 and increasing appropriations to purchase recording equipment in the amount of \$9,423, \$155 in expendable

equipment for radios and \$1500 SDE- Emergency Victim Fund to be used for emergency activities. (4/5ths vote required)

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| Plan Comm/
Committee Task
Force Amend | 5. | Expanding the Planning Commissions and Committees Task Force by one member from the Agricultural Advisory Committee and directing the Clerk of the Board to post a Notice of Vacancy. |
| Area 12 Agency
on Aging Appt. | 6. | Approving the appointment of Susan Thompson to the Area 12 Agency on Aging Advisory Council for a term to expire December 31, 2012. |
| Comm on Aging
Appt. | 7. | Approving the appointment of Tyler Summersett to the Tuolumne County Commission on Aging for a term to expire December 31, 2013. |
| Jamestown Cem
Appt. | 8. | Approving the reappointment of Martha Ellen Brune to the Jamestown Cemetery District for a term to expire February 28, 2016. |
| BH Advis Reappt. | 9. | Approving the reappointments of Terry Easley and Rosie Martin the Tuolumne County Behavioral Health Advisory Board for terms to expire June 30, 2015 and May 31, 2015, respectively. |
| TCPC Reappt. | 10. | Approving the reappointment of Patrick Stone as the Tuolumne County Planning Commission representative on the Agricultural Advisory Committee for a term to expire March 31, 2013. |

Proclaim-Crime
Victims Rights Wk

Michael Knowles, District Attorney, requested consideration of proclaiming the week of April 22-28, 2012, Tuolumne County Crime Victims' Rights Week and approving Certificates of Commendation and presented the Certificates to the recipients.

It was moved by Supervisor Hanvelt, seconded by Supervisor Gray, and carried by unanimous vote, to approve the Certificates of Commendation to Detective Spencer Garrett, Tuolumne County Sheriff's Office, Officer Andrew Theodore, Sonora Police Department, Mike Arndt, Tuolumne County Child Welfare Services, Leticia Sandoval, Tuolumne County Probation Department, and community member Kathy Bedford for their outstanding services to crime victims and the community and adopt the following resolution.

Resolution No. 24-12

Proclaiming the week of April 22-28, 2012, Tuolumne County Crime Victims' Rights Week in Tuolumne County.

Columbia Cem
Appt.

The Board considered approving an appointment to the Columbia Cemetery District.

It was moved by Supervisor Pland, seconded by Supervisor Bass, and carried by unanimous vote, to approve the appointment of Cappi Mark to the Columbia Cemetery District for a term to expire January 31, 2016.

Ag Commissioner
Reappt.

Craig Pedro, County Administrator, requested consideration of approving the reappointing Vicki Helmar to a new four year term as the Agricultural Commissioner/Sealer of Weights and Measures/Air Pollution Control Officer/Animal Control Director.

Vicki Helmar Agricultural Commissioner/Air Pollution Control Officer/Animal Control Director, addressed the Board.

It was moved by Supervisor Hanvelt, seconded by Supervisor Bass, and carried by unanimous vote, to approve reappointing Vicki Helmar to a new four year term as the Agricultural Commissioner/Sealer of Weights and Measures/Air Pollution Control Officer/Animal Control Director.

Oversight Board
Appt.

Mr. Pedro requested consideration of approving the appointment of two appointments to the Oversight Board of the Sonora Redevelopment Agency's Successor Agency.

It was moved by Supervisor Pland, seconded by Supervisor Hanvelt, and carried by unanimous vote, to appoint Supervisor Bass as the representative from the Board of Supervisors to serve on the Oversight Board.

It was moved by Supervisor Bass, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve the appointment of Tim Johnson to the Oversight Board of the Sonora Redevelopment Agency's Successor Agency.

Budget-One
Time Funds

Daniel Richardson, Deputy County Administrator, requested consideration of approving a Plan for the use of one-time funds and associated budgetary adjustments and announcing that a 4/5 vote is required responded to questions from the Board.

Mr. Pedro addressed the Board and responded to questions from the Board.

Jim Thomas, Airports Manager, responded to questions from the Board.

Discussion ensued.

It was moved by Supervisor Bass and seconded by Supervisor Gray, to approve the Plan for the use of one-time funds and associated budgetary adjustments to include the staff report as outlined by the County Administrator.

Gregory Oliver, County Counsel and Mr. Pedro responded to questions from the Board.

Substitute motion was made by Supervisor Hanvelt and seconded by Supervisor Royce, and failed by 2-3 vote with Supervisors Bass, Gray and Pland dissenting to hear the issues one at a time.

Original motion failed by 3-2 vote with Supervisor Royce and Hanvelt dissenting.

Mr. Pedro and responded to questions from the Board.

The Chair announced that the matters will be heard individually.

It was moved by Supervisor Gray, seconded by Supervisor Bass and carried by unanimous vote, to approve the allocation of \$501,145 for the road improvement projects.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve the allocation of \$100,000 for jail maintenance.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, to approve the allocation of \$57,000 for the customer service projects.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by 4-1 vote with Supervisor Royce dissenting to approve the allocation of \$1,069.460 for the juvenile detention facility design.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and failed by 3-2 vote with Supervisors Hanvelt and Royce dissenting to allocate \$107,341 for the Columbia Armory.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and failed by 3-2 vote with Supervisors Hanvelt and Royce dissenting to allocate \$18,968 for the Gibbs Hangar.

Mr. Pedro addressed the Board.

It was moved by Supervisor Bass, seconded by Supervisor Hanvelt, and carried by unanimous vote, adopt the associated budgetary changes excluding the Columbia Armory and Gibbs Hangar projects.

Mr. Pedro responded to questions from the Board on the allocation of additional funding for the jail.

Motion carried by 4-1 vote with Supervisor Royce dissenting.

Agree-Moore Bros
Scavenger Co.

Beverly Shane, Community Resource Agency Director, requested consideration of approving the Amended and Restated Franchise Agreement with Moore Bros. Scavenger Co., Inc., for the Collection of Solid Waste in Collection Area 4 and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by 4-1 vote with Supervisor Royce dissenting, to approve the Amended and Restated Franchise Agreement with Moore Bros. Scavenger Co., Inc., for the Collection of Solid Waste in Collection Area 4, authorizing the Chair to sign.

Property Surplus
20591 N.
Sunshine Rd.
Call for Bids
(Cont'd)

Maureen Frank, Deputy County Administrator, requested consideration of declaring a portion of County property located at 20591 North Sunshine Road, APN 038-060-47 as surplus and authorizing the disposal of the property and issue a call for bids on May 14, 2012 at 9:00 a.m., and responded to questions from the Board.

The Chair announced this matter will be continued.

The Board recessed at 10:19 a.m. and reconvened at 10:31 a.m.

Presentation-TC
Liabilities

Mr. Pedro addressed the Board and gave a presentation on the Tuolumne County Liabilities Report and responded to questions from the Board.

John Reimers addressed the Board.

Discussion ensued on further action at a later date.

No action was required.

CIP-Tuol Pool
Chem Store
Change Order
and NOC

Ms. Frank requested consideration of approving Change Order #2 with Cheek Construction Management, Inc. In the amount of \$8,292 and the Notice of Completion for the Tuolumne Pool Chemical Storage Facility Project.

It was moved by Supervisor Gray and seconded by Supervisor Royce, to approve Change Order #2 with Cheek Construction Management, Inc. In the amount of \$8,292 and the Notice of Completion for the Tuolumne Pool Chemical Storage Facility Project, authorizing the Chair to sign.

Ms. Frank responded to questions from the Board.

Motion carried unanimously.

(Cont'd)
Property Surplus
20591 N.
Sunshine Rd.
Call for Bids
(Cont'd)

The Board reconsidered of declaring a portion of County property located at 20591 North Sunshine Road, APN 038-060-47 as surplus and authorizing the disposal of the property and issue a call for bids on May 14, 2012 at 9:00 a.m., and responded to questions from the Board.

Ms. Frank presented the updated staff report and responded to questions from the Board.

The Chair announced this matter will be continued to later in the day.

Agree-Amend
Category Five
Profess. Consult
(Cont'd)

Tracie Riggs, Administrative Analyst, requested reconsideration of approving a Contract Amendment with Category Five Professional Consulting, Inc., in the amount of \$15,000 for training on the new Tuolumne County Emergency Operations Plan and responded to questions from the Board.

It was moved by Supervisor Bass, by Supervisor Gray, and carried by unanimous vote, to approve a Contract Amendment with Category Five Professional Consulting, Inc., in the amount of \$15,000 for training on the new Tuolumne County Emergency Operations Plan, authorizing the Chair to sign.

Customer Service
Training

Tracie Riggs, Administrative Analyst; Roberta Shields of Ag and Air Pollution Control; and Duke York, Deputy Director of Roads for the CRA, requested consideration of approving the Tuolumne County Customer Service Training Program and responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve the Tuolumne County Customer Service Training Program.

Litigation-
Settle Agree
DSA Arbitration

Mr. Oliver requested consideration of approving a Settlement Agreement and General Release in the matter of *Tuolumne County Deputy Sheriff's Association Shift/Schedule Grievance Arbitration* before Philip Tamoush, Arbitrator and responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve a Settlement Agreement and General Release in the matter of *Tuolumne County Deputy Sheriff's Association Shift/Schedule Grievance Arbitration* before Philip Tamoush, Arbitrator, authorizing the Chair to sign.

Agree-Nichols
Consult Engineer

Tanya Allen, PE, Senior Engineer, requested consideration of approving the Professional Service Agreement with Nichols Consulting Engineering, Chtd., for updating Tuolumne County's pavement management program in an amount not to exceed \$94,300 and responded to questions from the Board.

Darin Grossi, Executive Director of Tuolumne County Transportation Council (TCTC) and Ms. Shane responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by 4-1 vote with Supervisor Royce dissenting, to approve the Professional Service Agreement with Nichols Consulting Engineering, Chtd., for updating Tuolumne County's pavement management program in an amount not to exceed \$94,300, authorizing the Chair to sign.

The Board recessed at 12:06 p.m. and reconvened at 1:30 p.m.

CRA-Bridge
Prevention

Ms. Allen requested consideration of approving the Bridge Preventive Maintenance Plan (BPMP) to qualify future bridge maintenance projects for

Maintenance Plan

funding under the Federal Highway Administration (FHWA) Highway Bridge Program (HBP) and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, to approve the BPMP to qualify future bridge maintenance projects for funding under the FHWA HBP.

RZ/VT Sub Map
CSA-Steiler,
Darlene Mae

Public hearing was declared open to consider Darlene Mae Stieler 1) Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ08-015) 14.5+ acres to RE-2:D and 7.9+ acres to O; 2) Vesting Tentative Subdivision Map T08-030(2) to divide 22.4+ acres into nine lots; 3) Resolution of application to the Local Agency Formation Commission to form a County Service Area to provide maintenance of drainage system and roads serving the proposed subdivision; and 4) Indemnification Agreement by and between the County and Darlene Mae Stieler, located at 18333 Apple Colony Road, it is a portion of Section 8, Township 1 North, Range 16 East; APNs. 62-090-43 and -110-13.

Patrick Lefler spoke in favor.

Bob Ozbirn spoke in favor and responded to questions from the Board.

John Buckley of Central Sierra Environmental Resource Center, spoke in favor.

No one else wished to speak, the public hearing was declared closed.

It was moved by Supervisor Royce and seconded by Supervisor Gray, to approve: 1) Negative Declaration, finding that: **A)** The proposed project will not result in significant adverse impacts to the environment; **B)** The Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA; **C)** The Negative Declaration reflects the independent judgment of the County of Tuolumne; **D)** Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of Vesting Tentative Subdivision Map T08-030(2), in order to avoid significant effects on the environment; **E)** The conditions of Vesting Tentative Subdivision Map T08-030(2) are roughly proportional to the respective potential environmental impacts associated with the proposed project; **F)** Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Negative Declaration had been made are as follows: **i)** Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California; **ii)** Environmental Coordinator/Community Resources Director, Tuolumne County Community Resources Agency, 48 West Yaney, Sonora, California; **iii)** Agricultural Commissioner/Air Pollution Control Officer, Tuolumne County Agricultural Commissioner, Weights and Measures, Animal Control, and Air Pollution Control, 22365 South Airport Road, Sonora, California; and **iv)** Fire

Prevention Division, Tuolumne County Fire Department, 48 West Yaney, Sonora, California; **2)** Zone Change, finding that: **A)** The proposed Zone Change is consistent with the Tuolumne County General Plan; **B)** The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; **C)** The project site is suited to the uses permitted under the proposed zoning districts; **3)** Vesting Tentative Subdivision Map T08-030(2), based on conditions 1 through 100 with noticed changes to conditions 49 and 54, finding that: **A)** The proposed land division is consistent with the Tuolumne County General Plan; **B)** The proposed land division is consistent with the Tuolumne County Ordinance Code; **C)** None of the mandatory findings requiring denial of a tentative map in Section 66474 the State Subdivision Map Act apply to this project; **4)** application to the Local Agency Formation Commission to form a County Service Area for maintenance of the interior subdivision roads, finding that: **A)** The proposed subdivision has interior roads that will not be accepted into the County Maintained System; **B)** Board of Supervisors' Resolution 107-09, requires that prior to approval of a final subdivision map a mechanism for funding be established for maintenance of all roads not accepted into the County Maintained System and identifies the formation of a County Service Area as an acceptable mechanism; **C)** The Board of Supervisors may initiate proceedings through LAFCO pursuant to Section 25210.11 of the Government Code (County Service Area Law); **D)** The proposed resolution conforms to the requirements of Section 56000 et seq of the California Government Code (Cortese-Knox-Hertzberg Reorganization Act of 2000) as it pertains to formations of County Service Areas; **5)** Indemnification Agreement, and adoption of the following ordinance and resolution.

Ordinance No. 3198

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Resolution No. 25-12

Application to the Local Agency Formation Commission to form a County Service Area for maintenance of the interior subdivision roads.

Ms. Shane responded to questions from the Board.

Motion carried unanimously.

TUD-Presentation
Treated Water
Plan

Pete Kampa, Tuolumne Utilities District (TUD) Director; Tom Scesa, TUD Engineer; Ted Allen, TUD Engineer; and Eric Johnson, TUD Engineer, addressed the Board, gave a presentation on the TUD's Treated Water Optimization Plan and responded to questions from the Board.

Barbara Balin of the TUD Board addressed the Board.

No action was required.

The Board recessed at 2:47 p.m. and reconvened at 2:52 p.m.

(Cont'd)
Property Surplus
20591 N.
Sunshine Rd.
Call for Bids
(Cont'd)

The Board reconsidered of declaring a portion of County property located at 20591 North Sunshine Road, APN 038-060-47 as surplus and authorizing the disposal of the property and issue a call for bids on May 14, 2012 at 9:00 a.m., and responded to questions from the Board.

Ms. Frank presented the updated staff report and responded to questions from the Board.

Ken Caetano, Assessor-Recorder and Mr. Pedro addressed the Board.

On motion of Supervisor Royce, seconded by Supervisor Hanvelt, the following resolution was adopted by unanimous vote.

Resolution No. 26-12

Declaring a portion of County property located at 20591 North Sunshine Road, APN 038-060-47 as surplus and authorizing the disposal of the property and issue a call for bids on May 14, 2012 at 9:00 a.m.

Reports-Bass

Supervisor Bass reported on April 4, 2012, she attended the Behavioral Health Advisory Board meeting; on April 10th, she attended Solid Waste Committee meeting; on April 11th, she was a guest speaker for the Girl Scouts and attended a First 5 meeting.

Reports-Hanvelt

Supervisor Hanvelt reported that on April 4, 2012, he attended the Senior Leadership Tuolumne County meeting; on April 5th, he met with constituents and attended a CalFire/BLM Columbia burn; on April 6th, he met with constituents and met with Jeff Denham's staff; on April 9th, he met with constituents, attended a Blueprint Committee meeting (no quorum) and Farm Bureau meeting; on April 10th, he attended a Natural Resources Committee meeting and a political event; on April 11th he met with candidates, met with constituents; attended a meeting with staff regarding customer Service and attended a leadership panel; on April 12th, he met with Larry Cope, Economic Development Director, and attended a Central Sierra Economic Development District meeting; on April 13th, he attended Amador-Tuolumne Community Action Agency (ATCAA) meetings and an Bear Valley Music Festival fund raiser; on April 14th, he attended a Habitat for Humanity Dedication and met with Congressman in Columbia; and on April 16th, he attended Mother Lode Job Training Committee meeting.

Reports-Royce

Supervisor Royce reported that on April 3, 2012, he met with constituents; on April 4th, he attended the Senior Leadership Tuolumne County meeting; on April 5th, he met with constituents; on April 10th, he attended a fund raiser for assembly candidate; and on April 13th, he attended an ATCAA meeting and met with the Tuolumne County Sheriff.

Reports-Gray

Supervisor Gray reported that on April 8, 2012, he attended the Gray Family annual Easter picnic; on April 10th, he attended the Solid Waste Committee meeting; on April 11th, he attended the Tuolumne County Transportation Council (TCTC) meeting; on April 13th, he attended the Tuolumne County Economic

Development Authority (TCEDA) meeting; and on April 15th, he spent the day replacing campaign signs.

Reports-Pland

Supervisor Pland reported that on April 4, 2012, he attended the Leadership Tuolumne County Seniors meeting; on April 9th, he was interviewed by KVML; on April 9th, he attended the Blueprint Committee meeting; on April 10th, he attended the Natural Resource Committee meeting; on April 11th, he attended the UC Cooperative Extensive Central Sierra meeting and the Tuolumne County Transportation Council (TCTC) and Transit Agency meeting; on April 13th, he attended the TCEDA meeting; on April 14th, he attended the Habitat for Humanity ground breaking event; on April 16th, he attended the Government Affairs Committee meeting; and the Board of Supervisors Transportation Committee (BOSTC) meeting; and reported on correspondence from the Department of Veterans Affairs comment letter.

Reports-Pedro

Pedro reported on his recent vacation; and reported on the multi-year report.

Reports-Oliver

Mr. Oliver reported that on April 4, 2012, he attended the Leadership Tuolumne County Seniors; on April 12th, he attended the Central Sierra Economic Department District meeting; and announced the upcoming County Counsel Conference.

Reports-Clerk

The Clerk reported that on April 4, 2012, she attended the Leadership Tuolumne County Seniors program.

Closed Session

The Board recessed at 3:23 p.m. to Closed Session: **Conference with Real Property Negotiators - Price and Terms:** (Authority: Government Code §54956.8) Negotiators: Craig Pedro, County Administrator and Maureen Frank, Deputy County Administrator, regarding the Behavioral Health Housing Project of APN 056-108-11, reconvening at 3:46 p.m., the Chair announced there was nothing to report and adjourned to the next regular meeting scheduled for May 1, 2012, at 9:00 a.m.

APPROVED:



RICHARD H. PLAND, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board

By: 

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